

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

VICENTE CORTEZ,

Plaintiff,

v.

PHARIA, L.L.C.,

Defendant

CASE NUMBER: 4:10-cv-05068

**NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. §§ 1331, 1446**

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION:

Defendant Pharia, L.L.C. (“Pharia”) removes this action to the United States District Court for the Southern District of Texas, Houston Division, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. In support of removal, Plaintiff states the following:

1. On November 12, 2010, Plaintiff filed this action against the Defendant in the County Court at Law No. 2 of Harris County, Texas, case number 977683. At the time of filing, the Plaintiff’s Petition (Complaint) stated a federal cause of action giving rise to federal court jurisdiction. *See* 15 U.S.C. 1692k(d).

2. Pursuant to 28 U.S.C. § 1446(a), copies of all process and pleadings filed in this action are attached hereto as Exhibit A and are incorporated herein by reference as if fully set forth.

3. On November 29, 2010, Defendant Pharia was served with process in the aforementioned action.

4. Defendant is filing this Notice of Removal timely under 28 U.S.C. § 1446, as thirty days have not elapsed since the time Pharia was served with process, and the filing and

service of this notice of removal.

5. This case is properly removed to the United States District Court for the Southern District of Texas under 28 U.S.C. § 1441(a) and 28 U.S.C. § 113(a).

6. After filing this Notice, a copy of the original Notice of Removal will be served on Defendant and filed with the Clerk of the County Court at Law No. 2 of Harris County, Texas, where this case was originally filed, as required by 28 U.S.C. § 1446(d).

**JURISDICTION**

7. The United States District Court for the Southern District of Texas has original jurisdiction over Plaintiff's claim. Therefore, this action may be removed to this Court pursuant to 28 U.S.C. § 1446.

8. Nothing in this Notice of Removal shall be interpreted as a waiver or relinquishment of Plaintiff's rights to assert any defense or affirmative matter including, without limitation, the defenses of (1) failure to state a claim; or (2) any other procedural or substantive defense available to the Counterclaim under state or federal law.

Dated: December 17, 2010

Respectfully Submitted,

/s/ Jason D. Anderson  
Jason D. Anderson  
Texas Bar #24071946  
Weinstein & Riley, P.S.  
2001 Western Avenue Suite 400  
Seattle, WA 98121  
(206)-269-3490  
(206)-269-3493 (fax)  
Attorney for Defendant Pharia, LLC

**CERTIFICATE OF SERVICE**

The undersigned certifies that on December 17, 2010, a copy of the foregoing was mailed to the following via first-class U.S. Mail, Postage Prepaid:

Lu Ann Trevino  
13201 Northwest Freeway, Suite 800  
Houston, TX 77040  
713-341-7550 – Tel  
888-896-2102 – Fax

By: /s/ Jason D. Anderson  
Jason D. Anderson